

Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

DEC 13 2002

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/457,926
Filing Date	December 8, 1999
First Named Inventor	Burton Christensen et al
Group Art Unit	1639
Examiner Name	M. Garcia Baker
Attorney Docket Number	P-061-R2

Total Number of Pages in This Submission

341*

ENCLOSURES (check all that apply)

☒ Fee Transmittal Form

☐ Fee Attached

☐ Amendment / Response

☐ After Final

☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☐ Response to Missing Parts/
Incomplete Application

☐ Response to Missing
Parts under 37 CFR
1.52 or 1.53

☐ Assignment Papers
(for an Application)

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition

☐ Petition to Convert to a
Provisional Application

☐ Power of Attorney, Revocation
Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s) _____

☐ After Allowance Communication to
Group

☐ Appeal Communication to Board of
Appeals and Interferences

☒ Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☐ Other Enclosure(s)
(please identify below):

Remarks

*Enclosed are the following:

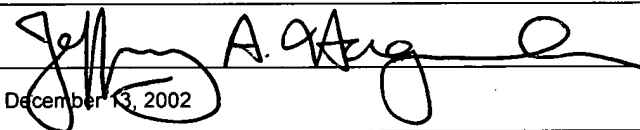
Brief for Appellant (113 pages total), including Appendix A (18 pages) and
Appendix B (70 pages), submitted in triplicate; Fee Transmittal Form (1 page)
submitted in duplicate; and a postcard.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm
or
Individual name

Jeffrey A. Hagenah, Reg. No. 35,175

Signature



Date

December 13, 2002

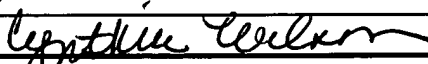
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service (Express Mail Label No. EV 226053955 US) under 37 C.F.R. §1.10 and is addressed to: Commissioner for Patents, Washington, D.C. 20231 on this date: December 13, 2002

Typed or printed name

Cynthia Wilson

Signature



Date

December 13, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

DEC 13 2002
U.S. PATENT AND TRADEMARK OFFICE

FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 160

Complete if Known

Application Number	09/457,926
Filing Date	December 8, 1999
First Named Inventor	Burton Christensen et al.
Examiner Name	M. Garcia Baker
Group / Art Unit	1639
Attorney Docket No.	P-061-R2

RECEIVED
DEC 18 2002
TECH CENTER 1600/2900

METHOD OF PAYMENT (check all that apply)		FEE CALCULATION (continued)																																																																																																																									
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account: Deposit Account Number: <input type="text" value="50-0344"/> Deposit Account Name: <input type="text" value="Theravance, Inc."/> The Commissioner is authorized to: (check all that apply) <input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) during the pendency of this application <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.		3. ADDITIONAL FEES																																																																																																																									
FEE CALCULATION																																																																																																																											
1. BASIC FILING FEE																																																																																																																											
<table><thead><tr><th>Large Entity</th><th>Small Entity</th></tr><tr><th>Fee Code</th><th>Fee Code</th></tr></thead><tbody><tr><td>1001 740</td><td>2001 370</td></tr><tr><td>1002 330</td><td>2002 165</td></tr><tr><td>1003 510</td><td>2003 255</td></tr><tr><td>1004 740</td><td>2004 370</td></tr><tr><td>1005 160</td><td>2005 80</td></tr></tbody></table>	Large Entity	Small Entity	Fee Code	Fee Code	1001 740	2001 370	1002 330	2002 165	1003 510	2003 255	1004 740	2004 370	1005 160	2005 80	<table><thead><tr><th>Fee Description</th><th>Fee Paid</th></tr></thead><tbody><tr><td>Utility filing fee</td><td></td></tr><tr><td>Design filing fee</td><td></td></tr><tr><td>Plant filing fee</td><td></td></tr><tr><td>Reissue filing fee</td><td></td></tr><tr><td>Provisional filing fee</td><td></td></tr></tbody></table>	Fee Description	Fee Paid	Utility filing fee		Design filing fee		Plant filing fee		Reissue filing fee		Provisional filing fee																																																																																																	
Large Entity	Small Entity																																																																																																																										
Fee Code	Fee Code																																																																																																																										
1001 740	2001 370																																																																																																																										
1002 330	2002 165																																																																																																																										
1003 510	2003 255																																																																																																																										
1004 740	2004 370																																																																																																																										
1005 160	2005 80																																																																																																																										
Fee Description	Fee Paid																																																																																																																										
Utility filing fee																																																																																																																											
Design filing fee																																																																																																																											
Plant filing fee																																																																																																																											
Reissue filing fee																																																																																																																											
Provisional filing fee																																																																																																																											
SUBTOTAL (1) (\$) 0																																																																																																																											
2. EXTRA CLAIM FEES																																																																																																																											
Total Claims <input type="text" value="20"/> -20 ** = <input type="text" value="0"/> X <input type="text" value="0"/> = <input type="text" value="0"/>																																																																																																																											
Independent Claims <input type="text" value="3"/> -3 ** = <input type="text" value="0"/> X <input type="text" value="0"/> = <input type="text" value="0"/>																																																																																																																											
Multiple Dependent <input type="text" value="0"/> X <input type="text" value="0"/> = <input type="text" value="0"/>																																																																																																																											
<table><thead><tr><th>Large Entity</th><th>Small Entity</th></tr><tr><th>Fee Code</th><th>Fee Code</th></tr></thead><tbody><tr><td>1202 18</td><td>2202 9</td></tr><tr><td>1201 84</td><td>2201 42</td></tr><tr><td>1203 280</td><td>2203 140</td></tr><tr><td>1204 84</td><td>2204 42</td></tr><tr><td>1205 18</td><td>2205 9</td></tr></tbody></table>	Large Entity	Small Entity	Fee Code	Fee Code	1202 18	2202 9	1201 84	2201 42	1203 280	2203 140	1204 84	2204 42	1205 18	2205 9	<table><thead><tr><th>Fee Description</th><th>Fee Paid</th></tr></thead><tbody><tr><td>Claims in excess of 20</td><td></td></tr><tr><td>Independent claims in excess of 3</td><td></td></tr><tr><td>Multiple dependent claim, if not paid</td><td></td></tr><tr><td>** Reissue independent claims over original patent</td><td></td></tr><tr><td>** Reissue claims in excess of 20 and over original patent</td><td></td></tr></tbody></table>	Fee Description	Fee Paid	Claims in excess of 20		Independent claims in excess of 3		Multiple dependent claim, if not paid		** Reissue independent claims over original patent		** Reissue claims in excess of 20 and over original patent																																																																																																	
Large Entity	Small Entity																																																																																																																										
Fee Code	Fee Code																																																																																																																										
1202 18	2202 9																																																																																																																										
1201 84	2201 42																																																																																																																										
1203 280	2203 140																																																																																																																										
1204 84	2204 42																																																																																																																										
1205 18	2205 9																																																																																																																										
Fee Description	Fee Paid																																																																																																																										
Claims in excess of 20																																																																																																																											
Independent claims in excess of 3																																																																																																																											
Multiple dependent claim, if not paid																																																																																																																											
** Reissue independent claims over original patent																																																																																																																											
** Reissue claims in excess of 20 and over original patent																																																																																																																											
SUBTOTAL (2) (\$) 0																																																																																																																											
**or number previously paid, if greater; For Reissues, see above																																																																																																																											
		<table><thead><tr><th>Large Entity</th><th>Small Entity</th><th>Fee Description</th><th>Fee Paid</th></tr><tr><th>Fee Code</th><th>Fee Code</th><th></th><th></th></tr></thead><tbody><tr><td>1051 130</td><td>2051 65</td><td>Surcharge - late filing fee or oath</td><td></td></tr><tr><td>1052 50</td><td>2052 25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr><tr><td>1053 130</td><td>1053 130</td><td>Non-English specification</td><td></td></tr><tr><td>1812 2,520</td><td>1812 2,520</td><td>For filing a request for reexamination</td><td></td></tr><tr><td>1804 920*</td><td>1804 920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr><tr><td>1805 1,840*</td><td>1805 1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr><tr><td>1251 110</td><td>2251 55</td><td>Extension for reply within first month</td><td></td></tr><tr><td>1252 400</td><td>2252 200</td><td>Extension for reply within second month</td><td></td></tr><tr><td>1253 920</td><td>2253 460</td><td>Extension for reply within third month</td><td></td></tr><tr><td>1254 1,440</td><td>2254 720</td><td>Extension for reply within fourth month</td><td></td></tr><tr><td>1255 1,960</td><td>2255 980</td><td>Extension for reply within fifth month</td><td></td></tr><tr><td>1401 320</td><td>2401 160</td><td>Notice of Appeal</td><td></td></tr><tr><td>1402 320</td><td>2402 160</td><td>Filing a brief in support of an appeal</td><td>160</td></tr><tr><td>1403 280</td><td>2403 140</td><td>Request for oral hearing</td><td></td></tr><tr><td>1451 1,510</td><td>1451 1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr><tr><td>1452 110</td><td>2452 55</td><td>Petition to revive - unavoidable</td><td></td></tr><tr><td>1453 1,280</td><td>2453 640</td><td>Petition to revive - unintentional</td><td></td></tr><tr><td>1501 1,280</td><td>2501 640</td><td>Utility issue fee (or reissue)</td><td></td></tr><tr><td>1502 460</td><td>2502 230</td><td>Design issue fee</td><td></td></tr><tr><td>1503 620</td><td>2503 310</td><td>Plant issue fee</td><td></td></tr><tr><td>1460 130</td><td>1460 130</td><td>Petitions to the Commissioner</td><td></td></tr><tr><td>1807 50</td><td>1807 50</td><td>Processing fee under 37 CFR 1.17 (q)</td><td></td></tr><tr><td>1806 180</td><td>1806 180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr><tr><td>8021 40</td><td>8021 40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr><tr><td>1809 740</td><td>2809 370</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr><tr><td>1810 740</td><td>2810 370</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr><tr><td>1801 740</td><td>2801 370</td><td>Request for Continued Examination (RCE)</td><td></td></tr><tr><td>1802 900</td><td>1802 900</td><td>Request for expedited examination of a design application</td><td></td></tr></tbody></table>		Large Entity	Small Entity	Fee Description	Fee Paid	Fee Code	Fee Code			1051 130	2051 65	Surcharge - late filing fee or oath		1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet		1053 130	1053 130	Non-English specification		1812 2,520	1812 2,520	For filing a request for reexamination		1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action		1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action		1251 110	2251 55	Extension for reply within first month		1252 400	2252 200	Extension for reply within second month		1253 920	2253 460	Extension for reply within third month		1254 1,440	2254 720	Extension for reply within fourth month		1255 1,960	2255 980	Extension for reply within fifth month		1401 320	2401 160	Notice of Appeal		1402 320	2402 160	Filing a brief in support of an appeal	160	1403 280	2403 140	Request for oral hearing		1451 1,510	1451 1,510	Petition to institute a public use proceeding		1452 110	2452 55	Petition to revive - unavoidable		1453 1,280	2453 640	Petition to revive - unintentional		1501 1,280	2501 640	Utility issue fee (or reissue)		1502 460	2502 230	Design issue fee		1503 620	2503 310	Plant issue fee		1460 130	1460 130	Petitions to the Commissioner		1807 50	1807 50	Processing fee under 37 CFR 1.17 (q)		1806 180	1806 180	Submission of Information Disclosure Stmt		8021 40	8021 40	Recording each patent assignment per property (times number of properties)		1809 740	2809 370	Filing a submission after final rejection (37 CFR § 1.129(a))		1810 740	2810 370	For each additional invention to be examined (37 CFR § 1.129(b))		1801 740	2801 370	Request for Continued Examination (RCE)		1802 900	1802 900	Request for expedited examination of a design application	
Large Entity	Small Entity	Fee Description	Fee Paid																																																																																																																								
Fee Code	Fee Code																																																																																																																										
1051 130	2051 65	Surcharge - late filing fee or oath																																																																																																																									
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet																																																																																																																									
1053 130	1053 130	Non-English specification																																																																																																																									
1812 2,520	1812 2,520	For filing a request for reexamination																																																																																																																									
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action																																																																																																																									
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action																																																																																																																									
1251 110	2251 55	Extension for reply within first month																																																																																																																									
1252 400	2252 200	Extension for reply within second month																																																																																																																									
1253 920	2253 460	Extension for reply within third month																																																																																																																									
1254 1,440	2254 720	Extension for reply within fourth month																																																																																																																									
1255 1,960	2255 980	Extension for reply within fifth month																																																																																																																									
1401 320	2401 160	Notice of Appeal																																																																																																																									
1402 320	2402 160	Filing a brief in support of an appeal	160																																																																																																																								
1403 280	2403 140	Request for oral hearing																																																																																																																									
1451 1,510	1451 1,510	Petition to institute a public use proceeding																																																																																																																									
1452 110	2452 55	Petition to revive - unavoidable																																																																																																																									
1453 1,280	2453 640	Petition to revive - unintentional																																																																																																																									
1501 1,280	2501 640	Utility issue fee (or reissue)																																																																																																																									
1502 460	2502 230	Design issue fee																																																																																																																									
1503 620	2503 310	Plant issue fee																																																																																																																									
1460 130	1460 130	Petitions to the Commissioner																																																																																																																									
1807 50	1807 50	Processing fee under 37 CFR 1.17 (q)																																																																																																																									
1806 180	1806 180	Submission of Information Disclosure Stmt																																																																																																																									
8021 40	8021 40	Recording each patent assignment per property (times number of properties)																																																																																																																									
1809 740	2809 370	Filing a submission after final rejection (37 CFR § 1.129(a))																																																																																																																									
1810 740	2810 370	For each additional invention to be examined (37 CFR § 1.129(b))																																																																																																																									
1801 740	2801 370	Request for Continued Examination (RCE)																																																																																																																									
1802 900	1802 900	Request for expedited examination of a design application																																																																																																																									
Other fee (specify) _____		SUBTOTAL (3) (\$) 160																																																																																																																									
		*Reduced by Basic Filing Fee Paid																																																																																																																									

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Jeffrey A. Hagenah	Registration No. Attorney/Agent	35,175
Signature		Telephone	(650) 808-6406
		Date	December 13, 2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.